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Form and function:
The place of a parallel chamber in reforming Canada's
House of Commons

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Introduction

Addressing his peers in 1998, the Honourable Gilbert Parent, Speaker of the House of Commons, stated that “there is no such thing as a bad seat in the House of Commons” (*House of Commons Debates*, 1998, p. 8585). During that first session of Canada’s 36th Parliament, he was ruling on a point of order raised by a Member to lament a recent, rather ordinary change to seating arrangements. Perhaps delivered tongue-in-cheek, Speaker Parent’s simple words serve nonetheless to highlight the fundamental link between the House’s business and the physical spaces in which it is conducted.

Although undertaken on several occasions since Confederation, reforms to Canada’s House of Commons have seldom touched on the core physical setting itself. With important exceptions like the addition of a system for simultaneous interpretation in 1958, the televising of proceedings starting in 1977, and the temporary relocation of the Chamber to accommodate extensive renovations to the parliamentary precinct in 2019, Members have continued to assemble and carry out their duties in much the same setting known to Speaker Parent and his predecessors (Bosc & Gagnon, 2017; Canada, 2018). This legacy stands in notable contrast to two Westminster parliamentary systems with comparable histories and designs. In the last 30 years, both Australia and the United Kingdom have drastically extended the form and function of their lower houses of parliament by creating a second space to host concurrent sittings with the main chamber (Harris, 2001; McKay & Johnson, 2010). Generally called a parallel debating chamber, it is considered one of the most significant innovations in Australian and British parliamentary history.

These international cases prompted the House of Commons Standing Committee on Procedure and House Affairs (PROC) to present a 2019 report on the addition of a similar

chamber in Canada. Working from this report and drawing on relevant Canadian and comparative literature, this paper will argue that creating a second Commons chamber for parallel debate may be the next major change that the institution will undertake – and perhaps much for the better.

Could such an ambitious procedural and material innovation prove essential for the House of Commons to better fulfill its often-conflicting functions of representation, legislation, and education? First, this new space could focus on supporting private Members in their representation of constituency-level interests and their individual scrutiny of government business: further time for Private Members' Business, statements, and other business bearing the brunt of existing time constraints. Furthermore, concurrent sitting time could broaden the scope and heighten the quality of debate while preserving, if not improving, the balance between legislative efficiency and oversight: interventions by more Members, consideration of more amendments, and fewer motions on time allocation and closure. Finally, a more comprehensive setting, and the various implications thereof, could improve the House of Commons' image and effectiveness as a vehicle for civic education: more public access to proceedings, more exposure to business beyond Question Period, and more opportunities to innovate and engage in organizational learning.

Before examining these arguments in detail, it is worth briefly exploring the concept of the parallel debating chamber, along with the two relevant systems in which it has been implemented. Importantly, this will lead to a working definition for the Canadian context.

Parallel Debating Chambers: Background and Context

The subject of rather scarce discussion in the political and parliamentary studies literature, the concept of the parallel debating chamber is heavily grounded in concrete examples. These draw the profile of a secondary or alternate space for parliamentarians to conduct business in tandem with their primary space. Crucially, parallel chambers are “established and empowered by the legislature’s main chamber,” reflecting a *subordinate* relationship that should not be confused with the *coordinate* relationship that exists between the two houses of bicameral legislatures (PROC, 2019, p. 1). The specific purpose, design, and operation of these chambers are very much the products of the systems in question.

Australia’s House of Representatives, its lower house of parliament, was by and large the vanguard of parallel chambers among Westminster democracies. Established in 1994 following the adoption of a committee report, the Main Committee – later renamed the Federation Chamber – sought to address concerns over ballooning volumes of legislation before the House and the increasingly frequent use of “guillotine” (closure) motions, both of which were harming members’ ability to scrutinize government business (PROC, 2019, p. 3). Accordingly, the Federation Chamber’s initial mandate was to facilitate a “two-stream legislative process” where more bills could be debated at once; however, several reforms over the next 20 years significantly expanded this mandate to include a wider array of motions for debate and other non-legislative business like constituency statements (*idem*, p. 12). True to the concept of parallel chambers, the Federation Chamber adopts the general procedure of the main chamber and can only consider business specifically referred to it, usually the result of agreement between government and opposition parties. Furthermore, it does not hold recorded votes and must refer most of its decisions back to the House for confirmation. While its meeting space is small (38

members, plus spectators), the Federation Chamber's sitting schedule mirrors the House's and amounts to over 21 hours per week (*idem*, pp. 13–14).

Inspired by the Australians' success, the Modernisation Committee of the UK's House of Commons followed suit in proposing that a parallel chamber be considered by members as a solution to troublesome time constraints. Following the publication of a second, more detailed report in 1999, the House established Westminster Hall as an experimental parallel chamber that eventually became permanent in 2003 (*idem*, p. 14). Similar to Australia's Federation Chamber, Westminster Hall relies on normal House procedure, including near-full application of its standing orders, and its sitting days coincide with those of the House. Likewise, the physical space is smaller, quorum is only three members, and proceedings yield to votes and other important matters in the main chamber. Where Westminster Hall differs is in its business. Tuesdays and Wednesdays are dedicated to debates on the generic motion "that this House has considered __," with a member chosen by lottery proposing a topic of debate in line with the specific government portfolio set for that day. Mondays and Thursdays are usually reserved for debates on petitions and "backbencher business," respectively (*idem*, pp. 15–16). Therefore, the scope of business at Westminster Hall is notably less inclusive than that of its Australian counterpart.

Any consideration of a parallel chamber in Canada is necessarily informed by the cases of the Federation Chamber and Westminster Hall – on account of their relative currency but also the fundamental similarities among the Australian, British, and Canadian parliamentary systems. This question has been considered by Canada's House of Commons on two occasions in recent years. In early 2019, PROC began a study on the addition of a parallel debating chamber that included testimony from Australian and British experts, a democracy "watch-dog" organization,

and the House's own Clerk and Deputy Speaker. On June 18, 2019, the committee presented its report to the House, recommending, among other things, that in the next Parliament the committee "develop a detailed plan for a provisional parallel chamber" (*idem*, p. 11). It is also worth noting that a set of supplementary opinions from the official opposition were submitted alongside the report, calling for a gradual and consensus-based approach and a hard stance against using a parallel chamber to accelerate government business or reduce opposition scrutiny. The second occasion on which the House considered this question came a few months before PROC presented its report. In April 2019, Frank Baylis, MP for Pierrefonds—Dollard (Quebec), placed on notice a private Member's motion proposing several changes to the *Standing Orders*. Among other things, M-231 provided for the creation of a parallel chamber that would sit five times per week alongside the main chamber and be authorized to consider a wide range of business (Baylis, 2019; Thomas, 2019). Although debated once, Baylis's motion was not put to a vote before the 42nd Parliament was dissolved.

Both the PROC report and the private Member's motion described above shed light on how a parallel debating chamber might be tailored to the Canadian context. The report lists a series of principles that the establishment of a parallel chamber should respect. Specifically, it should begin as a provisional project, its business must be decided on the basis of inter-party cooperation, it cannot reach binding decisions as would the House, and its design should favour backbench Members without restricting either the government's legislative agenda or opposition oversight (PROC, 2019, p. 17). However, the report also outlines key questions that would have to be decided, including, among others, how the parallel chamber would interact with standing committees, where the chamber would sit and what quorum would be, and who would preside over sittings (*idem*, pp. 17–21). Baylis's motion addressed some of these questions, proposing,

for example, that the parallel chamber would be struck as a committee of the House and require the presence of the Chair, at least one government Member, and at least one opposition Member (Baylis, 2019).

The above principles, considerations, and proposals – and the years of concrete evidence provided by the Australian and British cases – will serve as the groundwork for this paper’s argument that a parallel chamber for Canada’s House of Commons could mean a chamber for better representation, better legislation, and better education.

A Chamber for Representation

In his quintessential text on parliamentary government in Canada, Franks (1987) explains how representation is one of the two fundamental principles of the Westminster model.

Individual MPs, chosen by a geographically circumscribed group of electors, are tasked with sitting in the House of Commons and using its mechanisms to represent those electors, be it by shedding light on issues that matter to them or by governing or scrutinizing government in their interest. That said, Franks goes on to acknowledge that “representation through MPs is an exceptionally complex subject” and that even by his time, “the member himself had less prestige in both constituency and Ottawa” (1987, pp. 13, 81). If constituent representation is indeed a vital function of the House of Commons, then it also appears to face significant challenges.

Could the establishment of a parallel debating chamber seek to address them?

Consider a functional approach that examines the business by which the House of Commons is seized, when, and for how long. The House’s *Daily Order of Business* shows that a majority (approximately 58%) of the 35.5 hours per normal sitting week are dedicated to Government Orders – that is, consideration of bills, motions, and other business chosen by the

ministry. While this is in keeping with the principle that the government drives the legislative agenda of the House, it effectively limits time for business that allows individual Members to exercise a strong representative mandate. Chief among these is Private Members' Business (PMB), reserved for the consideration of bills and motions in the name of Members who are neither ministers, nor parliamentary secretaries, nor the Speaker or Deputy Speaker. The current schedule allots only 5 hours per week, or 14% of sitting hours, to PMB. Other examples include Statements by Members (1.25 hours per week), adjournment proceedings (up to 2 hours per week), and petitions (up to 1.25 hours per week, provided Routine Proceedings is taken up as normal). Quite simply, these types of business are systematically relegated to the periphery of the order of business and bear the brunt of time constraints under the House's current configuration.

Parliamentary business is intrinsically tied to the forum – or fora – that host it. Accordingly, it is in the ability of a parallel chamber to increase the net sitting hours of a legislature where lies its potential to improve that legislature's representative function. In their examination of the UK's Westminster Hall, McKay and Johnson (2010) found that the secondary space extended the House's sitting time by an average of 30.4% between 2003 and 2008 (p. 550). If distributed judiciously and with an eye to the House's diverse functions, these additional sitting hours could allow for greater consideration of PMB and other Member-centric business. Evidence from the Australian case shows this to be a reasonable expectation, with their Federation Chamber described as "a major alternative forum where private members can ... air their points of view" (Harris, 2001, p. 693). Moreover, preliminary discussions in the Canadian context reveal similar intentions. The 2019 PROC report lists extra time for Statements by Members and PMB as potential benefits of a parallel chamber, going so far as to suggest that all eligible Members could sponsor an item for PMB within the life of a typical four-year

Parliament (pp. 8–9). Likewise, the weekly order of business for a parallel chamber set out in Baylis’s motion called for 12 additional hours of PMB and 2 additional hours of Statements. There appears to be consensus among case studies and Canadian proponents that the opportunities created by a second meeting space would naturally favour individual Members’ activity, thereby strengthening their representative capacity.

A Chamber for Legislation

Despite the gaps in the current ability of private Members to exercise their mandates, the argument for a parallel debating chamber rests on its potential to improve the effectiveness of the House of Commons from not one but *several* functional standpoints. A return to Franks and his assessment of the basic principles of parliamentarism confirms that the concept of representation is counterbalanced by a second: responsibility. He explains that ministers in Cabinet, first elected as MPs by convention, are inextricably bound to Parliament as “the central forum for discussion about the use ... of political power, and ... the source of the legitimacy and authority of a government” (1987, p. 11). However, when tested against the operational realities of contemporary parliamentary government in Canada, the principle of responsibility – not unlike its counterpart – appears diluted, given that “parliament’s capacity to serve as an effective investigating and policy-creating body” is called into serious question (*idem*, p. 202). A parallel chamber for additional debates could be integral to enriching the House of Commons’ legislation-based policy role and, in turn, responsible government.

In the context of a powerful party system and institutionalized party discipline, to speak of the House’s policy role and the scrutiny of government legislation is to speak of the opposition. The link between the creation of additional space for debate and the reinforcement of the House’s legislative function is thus grounded in growing the role of the opposition. Kaiser

(2008) conducted a comparative study of Westminster parliamentary oppositions which, among other things, explains the “institutional opportunity structures” whereby opposition parties can influence policy and legislative decisions (p. 25). An important conclusion of this study is that opposition parties overwhelmingly rely on *indirect* methods for effecting change: for example, legislative review in committees, high-visibility critique during Question Period, and discussion and amendments during plenary debates (*idem*, pp. 25–28). More significantly, it found that this indirect approach was in part rooted in the “immense time pressure under which bills have to be dealt with,” all the more so in majority legislatures where the government wields procedural tools for accelerating its business (*idem*, p. 28). Accordingly, much like for the issue of private members’ participation, the extension and reorganization of time would appear crucial to bolstering the opposition’s legislative role.

The case of Australia’s Federation Chamber lends particular support to the viability of using a parallel chamber to improve the opposition’s legislative effectiveness. As Harris notes, an internal evaluation of that parallel chamber’s performance found that, on average, bills were now receiving more debate time, and that approximately one third of bills that used to be dealt with in the main chamber were now being referred to the Federation Chamber (2001, p. 694). He also shows to what extent these impacts can be substantive, citing an instance where 32 amendments to a bill were moved and eventually adopted in the House’s secondary space (*idem*, p. 693). That said, perhaps the most significant lesson to come out of the Australian case is its success in striking a balance between legislative efficiency and oversight. Indeed, the advent of the Federation Chamber saw the government’s use of “guillotine” motions to end debate drastically decrease amid general agreement that the two-stream legislative model “benefitt[ed]

members and ministers alike, without disadvantaging any party” (Harris, 2001, p. 694; PROC, 2019, p. 4).

This success would appear to rest on the wide range of business eligible for consideration in the Federation Chamber, especially in contrast to the narrower mandate of Westminster Hall. Evidence suggests that a Canadian model would lie somewhere in between. The proposed list of eligible business in Baylis’s motion (2019) is dominated by items most relevant to private Members; however, it is rounded off by debates to concur in committee reports and, crucially, “other items referred from the House,” leaving the door open to virtually any business that the House agrees to debate in more depth. What’s more, the PROC report explicitly recognized the expansion of sitting time in general, and of debate time in particular, as a potential benefit of establishing their own parallel chamber (2019, pp. 7–8).

A Chamber for Education

An important consideration in assessing the value of adding a parallel debating chamber to the House of Commons, certainly a major undertaking, is that the overt goals of improving representative action and legislative rigour have the strong potential to bring about incidental improvements to parliamentary democracy in Canada that should not be ignored. Looking beyond the core principles of representation and responsibility, Franks gives a nod to some of Parliament’s peripheral roles, namely as a “recruiting and training ground for political leaders” and as a vehicle for “political communication, where the processes of parliamentary discussion ... teach society, and inform both government and citizen” (1987, p. 5). In other words, the House of Commons has an informal yet influential educative function. Externally, it teaches citizens about their political systems and how their institutions operate. Internally, it trains public office holders in their specialized roles and has a responsibility to engage in organizational

learning. In both regards, growing the House of Commons via a parallel chamber could be an unprecedented opportunity.

Indirect or representative democracy makes it difficult to evaluate citizens' views vis-à-vis their political system. That said, in their survey research on more than 4,000 Canadians, the Samara Centre for Democracy reported that "only 51% of Canadians are satisfied with how MPs hold the government to account," that "just 57% of Canadians are satisfied with how MPs debate," and that overall, "the poor state of parliamentary debate can have a negative impact on the relationship of citizens to their pinnacle democratic institution" (2019, p. 2). It follows that by increasing the amount of time allotted to PMB and similar business, by empowering opposition Members in their legislative scrutiny, and by offering an alternative forum to the partisan-political intensity of the traditional House, a parallel chamber can help shine a more positive light on Parliament. From a logistical perspective, additional meeting space also means more access and, importantly, *more diverse* access. Members of the public wishing to view House proceedings in person would have more opportunity to do so, and those viewing both in person and remotely would be exposed to more business beyond the hyper-partisan antics of Question Period that have historically dominated media coverage (Franks, 1987, p. 146). If Parliament is to educate and inform Canadians, then it must be able to demonstrate the full extent of its work.

Despite the importance of civic education, both international and Canadian proponents of parallel chambers appear to focus their education-inspired arguments on the internal workings of parliamentary institutions themselves. Indeed, there is strong support for using a secondary space as an operational and procedural "proving grounds" (PROC, 2019, p. 9). In one regard, this would mean allowing those who are new to the organization to train and test their abilities in a

secondary space: presumably, this would include not only newly elected Members, but also Members' staff and the House Administration's various employees (e.g., clerks, *Hansard* employees, broadcasting and multimedia specialists, etc.). Not only could the parallel chamber increase overall training space, but it could offer a lower standard of formality and a slower pace (PROC, 2019; The Samara Centre, 2019).

A second aspect of the proving grounds feature relates to procedural innovations. Australia's House has shown success in using the Federation Chamber to "try techniques and procedures ... as a precursor to their introduction into the [main] Chamber," and examples point to the relationship between procedure and technology, in particular (Harris, 2001, p. 693). This evidence could prove especially useful in the Canadian context. For instance, one of many special measures adopted by the House to operate safely during the COVID-19 pandemic is a hybrid voting process that combines traditional roll-call voting with new remote voting through a custom-made mobile application (House of Commons, 2021). The implementation of such a tool has had complex procedural, logistical, legal, and security implications for the House and its Members. In lieu of the several tests conducted in the main chamber, could an additional testing space have accelerated this implementation process and provided greater assurance? Certainly, these questions must be asked as the organization prepares to meet future challenges in a world more connected and digitized than ever before.

Conclusion

The argument for the addition of a parallel debating chamber to Canada's House of Commons benefits from both recent discussion in the Canadian system and a pair of detailed, relevant, and current case studies from comparable systems. The Federation Chamber, established by the Australian House of Representatives in 1994, and Westminster Hall,

established by the British House of Commons in 1999, offer important functional and political lessons on the effective expansion of a legislature's sitting time through a secondary meeting space. The Canadian House's Standing Committee on Procedure and House Affairs presents the necessary insights for such a project to address issues that are specifically Canadian. Overall, it is a healthy balance of evidence that should interest both casual and academic spectators of parliamentary government in Canada.

A parallel debating chamber could indeed be a key ingredient to improve the House of Commons as a representative, legislative, and educative institution. An alternative space could mean more advocacy for constituency-level interests and overall participation by private Members. More sitting time could mean more effective legislative review by the opposition without unduly jeopardizing the government's agenda. Together, these primary benefits of a parallel chamber could work to restore Parliament's ability to educate and inform the citizens to whom it is accountable, all while building an institution better equipped for learning and more open to change.

A major reform of the House of Commons' physical setting might appear to antagonize Speaker Parent's sobering conception of the relationship between parliamentary form and function. Or, maybe an approach centred on adaptability and improvement would notice the House's functions changing year-by-year, day-by-day, and inevitably conclude that its form must follow suit. This change, if ever meant to be, must of course be driven by parliamentarians themselves. Masters of their own affairs, only they can see fit or unfit the many possible options for transforming their place of work.

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